

CIVIL COVER SHEET

11CV6553

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

DEFENDANTS

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Baker & Hostetler LLP, 45 Rockefeller Plaza, NY, NY 10111
Attorneys for TrusteeCAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal, under 28 USC, Sec 158, of Bankruptcy Decision and Order and Errata Order dated June 28, 2011.

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously Assigned Hon. Judge Denise L. CoteIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____(PLACE AN IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE [] 620 OTHER FOOD & DRUG	[] 422 APPEAL [] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 110 INSURANCE [] 120 MARINE [] 130 MILLER ACT [] 140 NEGOTIABLE INSTRUMENT [] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT [] 151 MEDICARE ACT [] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS) [] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS [] 160 STOCKHOLDERS SUITS [] 190 OTHER CONTRACT [] 195 CONTRACT PRODUCT LIABILITY [] 196 FRANCHISE	[] 310 AIRPLANE [] 315 AIRPLANE PRODUCT LIABILITY [] 320 ASSAULT, LIBEL & SLANDER [] 330 FEDERAL EMPLOYERS' LIABILITY [] 340 MARINE LIABILITY [] 345 MARINE PRODUCT LIABILITY [] 350 MOTOR VEHICLE [] 355 MOTOR VEHICLE PRODUCT LIABILITY [] 360 OTHER PERSONAL INJURY	[] 362 PERSONAL INJURY - MED MALPRACTICE [] 365 PERSONAL INJURY PRODUCT LIABILITY [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY [] 370 OTHER FRAUD [] 371 TRUTH IN LENDING [] 380 OTHER PERSONAL PROPERTY DAMAGE [] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 625 DRUG RELATED [] 630 LIQUOR LAWS [] 640 RR & TRUCK [] 650 AIRLINE REGS [] 660 OCCUPATIONAL SAFETY/HEALTH [] 690 OTHER	[] 423 WITHDRAWAL [] 424 BANKRUPTCY [] 425 PROPERTY RIGHTS [] 426 SOCIAL SECURITY [] 427 LABOR [] 428 FAIR LABOR STANDARDS ACT [] 429 LABOR/MGMT RELATIONS [] 430 LABOR/MGMT REPORTING & DISCLOSURE ACT [] 431 RAILWAY LABOR ACT [] 432 OTHER LABOR [] 433 LITIGATION [] 434 EMPL RET INC SECURITY ACT [] 435 MOTIONS TO VACATE SENTENCE [] 436 20 USC 2255 [] 437 HABEAS CORPUS [] 438 DEATH PENALTY [] 439 AMERICANS WITH DISABILITIES - EMPLOYMENT [] 440 OTHER CIVIL RIGHTS [] 441 VOTING [] 442 EMPLOYMENT [] 443 HOUSING/ ACCOMMODATIONS [] 444 WELFARE [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT [] 446 AMERICANS WITH DISABILITIES - OTHER [] 447 OTHER CIVIL RIGHTS	[] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) [] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV [] 810 SELECTIVE SERVICE [] 850 SECURITIES/ COMMODITIES/ EXCHANGE [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWW (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g)) [] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY [] 872 26 USC 7609 [] 890 OTHER STATUTORY ACTIONS [] 891 AGRICULTURAL ACTS [] 892 ECONOMIC STABILIZATION ACT [] 893 ENVIRONMENTAL MATTERS [] 894 ENERGY ALLOCATION ACT [] 895 FREEDOM OF INFORMATION ACT [] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE [] 950 CONSTITUTIONALITY OF STATE STATUTES
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	[] 510 MOTIONS TO VACATE SENTENCE [] 520 20 USC 2255 [] 530 HABEAS CORPUS [] 535 DEATH PENALTY [] 540 MANDAMUS & OTHER [] 550 CIVIL RIGHTS [] 555 PRISON CONDITION	IMMIGRATION [] 462 NATURALIZATION [] 463 HABEAS CORPUS [] 465 OTHER IMMIGRATION ACTIONS	

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE Honorable Judge Denise L. Cote DOCKET NUMBER 11-cv-5683

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

ORIGIN						
(PLACE AN x IN ONE BOX ONLY)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2a. Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
BASIS OF JURISDICTION						
(PLACE AN x IN ONE BOX ONLY)		IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)				
<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY			

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11 <input checked="" type="checkbox"/> 11	DEF <input type="checkbox"/> 11 <input type="checkbox"/> 11	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13	DEF <input type="checkbox"/> 13 <input type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 <input type="checkbox"/> 15	DEF <input type="checkbox"/> 15 <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 12 <input type="checkbox"/> 12	DEF <input type="checkbox"/> 12 <input type="checkbox"/> 12	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF <input type="checkbox"/> 14 <input type="checkbox"/> 14	DEF <input type="checkbox"/> 14 <input type="checkbox"/> 14	FOREIGN NATION	PTF <input type="checkbox"/> 16 <input type="checkbox"/> 16	DEF <input type="checkbox"/> 16 <input type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

APPELLANTS:
Neva Rosamilia and Nicholas Rosamilia and Customers Listed on Exhibit A to Notice of Appeal
Becker & Poliakoff, LLP
45 Broadway, 8th Floor
New York, New York 10006
(New York County)

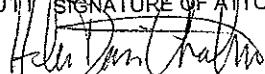
DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT-APPELLEE:
Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111
(New York County)

DEFENDANT(S) ADDRESS UNKNOWN
REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: **THIS ACTION SHOULD BE ASSIGNED TO:** WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 09/19/2011 SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[X] YES (DATE ADMITTED Mo. 12 Yr. 1978)
Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)